

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 07-122
v.	*	SECTION: "R"
AUBREY McDONALD	*	

* * *

FACTUAL BASIS

If this matter were to proceed to trial, the United States of America would prove the following facts beyond a reasonable doubt:

Based on information from a reliable and credible confidential source ("CS"), the DEA began an investigation into the drug trafficking activities of Aubrey McDonald and Joshua Simms, also known as Demetrius White. On March 19, 2007, at approximately 1:43 p.m., the CS telephoned Aubrey, also known as "Slim," to arrange for the purchase of nine ounces of cocaine base "crack." During the telephone call, Aubrey was overheard talking to someone in the background discussing the arrangements for the nine ounce purchase.

Later that day, at approximately 4:47 p.m., the CS received a telephone during which the CS and Joshua Simms, also known as "Black," discussed the purchase of crack cocaine. Simms stated that he was in Kentwood, Louisiana, and had approximately 4 ounces of "crack" cocaine in his possession. Simms discussed the previous conversation between the CS and Aubrey and identified Aubrey as his brother. At approximately 5:15 p.m., the CS received a call from Simms asking the CS if he could handle "double" what they discussed, referring to nine ounces of crack cocaine. The CS agreed to purchase the nine ounces from Simms. At approximately 6:00 p.m., the CS received two calls from Simms indicating Simms was going to have the crack cocaine for the CS later that day. Simms told the CS he was on his way to get it.

The CS then placed two calls to Aubrey to check on the status of the delivery of the cocaine. Aubrey indicated that Simms was bringing nine (referring to nine ounces of crack cocaine). He also stated that Simms, was riding with someone else and they had left and were on the way to meet with the CS.

At approximately 8:02 p.m., Simms contacted the CS stating he would meet the CS in approximately 20-30 minutes, arriving in a green car. At approximately 8:13 p.m., Simms called the CS and made arrangements to meet with the CS at a gas station located at the Arcola Exit off of Interstate 55. At approximately 8:55 p.m., surveillance agents observed Simms arrive at the Chevron Gas Station located at Louisiana Highway 1048 and Interstate 55. Simms was in the front passenger seat of a green Pontiac Grand Prix, which was driven by an individual later identified as Michael Tyrone White.

White exited the vehicle and walked inside the Gas Station. The CS got into the back seat of the vehicle, which was occupied by Quentin Young. Simms then showed the CS a black bag containing approximately 259 grams of crack cocaine. At that time Agents approached the vehicle and placed Simms and Young under arrest. Agents recovered the crack cocaine from the passenger side floor board of the vehicle. White, who was inside the store looking towards the vehicle, was also arrested. The substance in the black bag tested positive for 247.4 net grams of cocaine base ("crack").

AUBREY McDONALD
Defendant

DATE

BIRCH McDONOUGH
Counsel for Defendant

DATE

THEODORE R. CARTER, III
Assistant United States Attorney

DATE